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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **HAROLD B. SHAMBURGER,**

Plaintiff,

15
16 v.

17 **R. KIRKLAND, et al.,**

18 Defendants.
19

C 07-4597 JSW (PR)

**DEFENDANTS' AMENDED
MOTION FOR AN
EXTENSION OF TIME TO
FILE A DISPOSITIVE
MOTION**

20 Defendants Fischer and Ruff (Defendants) respectfully request a seventy-day extension of
21 time, up to and including **August 11, 2008** (not May 20, 2008—as inadvertently stated in the
22 original motion for an extension of time on June 5, 2008, although the accompanying declaration
23 of counsel and proposed order did properly note the August 11, 2008 date), in which to file a
24 dispositive motion.

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1 As explained in detail by the declaration of counsel filed on June 5, 2008 with the original
2 motion for an extension of time, Defendants need additional time to prepare a dispositive motion
3 and potentially multiple supporting declarations because their counsel received assignment of
4 this case on June 4, 2008, and has much intervening casework.

5 Although the Court's Order of Service set Defendants' filing date for a dispositive motion
6 on June 2, 2008, Defendants' counsel received assignment of the case after this deadline, on June
7 4, 2008, because the Marshals Service mailed Defendants the summons and complaint only
8 recently, on May 23, 2008. Thus, Defendants' first motion for an extension of time is,
9 regrettably, tardy.

10
11 Dated: June 13, 2008

12 Respectfully submitted,

13 EDMUND G. BROWN JR.
Attorney General of the State of California

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Shamburger v. Kirkland, et al.**

Case No.: **C 07-4597 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 13, 2008, I served the attached


DEFENDANTS' AMENDED MOTION FOR AN EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Harold B. Shamburger
D-16530
Pelican Bay State Prison
P.O. Box 7000
Crescent City, CA 95531-7000
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **June 13, 2008**, at San Francisco, California.

M. Xiang
Declarant


Signature